



WYOMING LEGISLATIVE SERVICE OFFICE

Memorandum

DATE April 24, 2023
TO Joint Judiciary Committee
FROM Clarissa Nord, Legislative Editor
SUBJECT Medicolegal Death Investigations and Montana Medical Examiner's Office Review

This memorandum summarizes medicolegal death investigations, briefly reviews death investigation systems in the United States, and provides an overview of the Montana Medical Examiner's Office.

MEDICOLEGAL* DEATH INVESTIGATION OVERVIEW

Coroner's or medical examiner's offices generally conduct medicolegal death investigations to determine the circumstances under which an individual died. Medicolegal death investigations incorporate scientific analysis into a death under a coroner's or medical examiner's legal jurisdiction.¹

Several personnel types can be involved in medicolegal death investigations: coroners, medical examiners, and forensic pathologists.

- **Coroners** are elected or appointed public officials who serve a particular geographic jurisdiction to inquire into certain deaths. Depending on state statutes, a coroner may or may not be trained in medical science. Coroners are commonly responsible for inquiring into deaths, notifying next of kin, and completing death certificates.²
- **Medical examiners** are physicians who determine the cause and manner of death when a death is sudden, unexpected, or violent. The responsibilities of a medical examiner differ from a coroner in that medical examiners provide medical expertise to death investigations. A medical examiner is usually not required to specialize in death investigation or pathology and may practice in any medical specialty.³

* Medicolegal pertains to both medical and legal aspects of a death investigation. *See:*

<https://www.cap.org/member-resources/articles/what-you-need-to-know-about-forensic-pathology>.

¹ Centers for Disease Control and Prevention, *Coroner/Medical Examiner Laws, by State*,

<https://www.cdc.gov/php/publications/topic/coroner.html>.

² University of New Mexico, School of Medicine, Office of the Medical Investigator, *Death Investigation Team*, <https://hsc.unm.edu/school-of-medicine/office-medical-investigator/death-investigations/death-investigation-team.html>.

³ *Id.*

- **Forensic pathologists** receive specialized training in forensic sciences as well as the field of medicine. Forensic pathologists have expertise in toxicology, firearms examination, trace evidence, forensic serology*, and DNA technology. When forensic pathologists participate in death investigations, they analyze the death scene, assess the time of death, and interpret injury patterns.⁴

Death Investigation Systems

Death investigation systems serve as a means to conduct death investigations and certify the cause and manner of deaths in the United States.⁵ Death investigation systems are highly varied, with states maintaining either a coroner system, a medical examiner system, or a combination of each system. State statutes largely specify whether a medical examiner or coroner conducts death investigations, including death-scene investigations, medical investigations, reviews of medical records, autopsies, determination of the cause and manner of death, and completion of death certificates. Death investigation systems within the United States are generally as follows:

- Centralized (statewide) medical examiner system: 16 states;
- County/district-based medical examiner system: 6 states;
- County-based system with a combination of coroner and medical examiner offices: 14 states; and
- County/district/parish-based coroner system: 14 states (including Wyoming).⁶

See **Appendix A** for additional information.

MONTANA MEDICAL EXAMINER'S OFFICE

Montana maintains a coroner-based death investigation system, where each county coroner is primarily responsible for deaths occurring in their respective county, with support available from the State Medical Examiner's Office (Office). The Office, which was created in 1980, provides autopsy services and death investigation resources for county coroners, law enforcement, and county attorneys. Additionally, county coroners, law enforcement investigators, or county attorneys may request autopsies to further clarify the cause and manner of death.⁷

In 2021, the Office employed four forensic pathologists, two autopsy assistants, and two part-time autopsy assistants. Two forensic pathologists are located at the Montana State Crime Laboratory in Missoula to assist and serve Western Montana. The remaining two forensic pathologists work at the satellite State Crime Laboratory in Billings to cover Eastern Montana.⁸ 2021 salary information for the Montana Medical Examiner's Office can be found in **Appendix B**.

* Forensic serology is the identification of biological samples. See: <https://www.nu.edu/blog/what-is-forensic-serology/>.

⁴ University of New Mexico, School of Medicine, Office of the Medical Investigator, *What is a Forensic Pathologist?*, <https://hsc.unm.edu/omi/about/faq/forensic-pathologist.html>.

⁵ Centers for Disease Control and Prevention, *Death Investigation Systems* (February 8, 2023), <https://www.cdc.gov/phlp/publications/coroner/death.html>.

⁶ *Id.*; W.S. 7-4-101 through 7-4-106; 7-4-201 through 7-4-211.

⁷ Montana Medical Examiner's Office, *2021 Montana Medical Examiner's Report* (April 30, 2022), <https://dojmt.gov/wp-content/uploads/2021-ME-Annual-Report.pdf>.

⁸ *Id.*

Montana County Coroner Qualifications and Responsibilities

At the time of election or appointment to office, county coroners in Montana must have completed high school (or the equivalent) and have completed the Coroner Basic Course as provided by the Public Safety Officer Standards and Training Council within the Montana Department of Justice (or an equivalent course).⁹ The course includes training regarding the statutes that pertain to county coroners, operations and protocols for death investigations, and cause-of-death determinations.¹⁰ The Council also provides a mandatory continuing coroner education course at least once every two years.¹¹

County coroners are responsible for investigating and determining the circumstances, manner, and cause of deaths within their jurisdiction and establishing the identity of descendants.¹² County coroners must inquire and determine the cause and manner of death that was caused or suspected to have been caused by:

- An injury;
- The deceased or any other person that was the result of:
 - A criminal or suspected criminal act;
 - A medically suspicious death, unusual death, or death of unknown circumstance, including any fetal death; or
 - An accidental death; or
- An agent, disease, or medical condition that poses a public safety threat.¹³

Coroners also certify death certificates, notify the next of kin, and inquire into any death when no physician or surgeon will sign a death certificate.¹⁴

County coroners have discretion to request resources such as a postmortem examination (autopsy) from the Montana Medical Examiner's Office. A county attorney or the attorney general may also request an autopsy. The Montana Department of Justice must pay any expenses when an autopsy or investigation is initiated at the request of the state medical examiner or attorney general. The county is responsible for paying any expenses whenever a coroner or county attorney requests an autopsy, investigation, or inquiry.¹⁵

Montana Medical Examiner Qualifications and Responsibilities

The Montana Attorney General appoints the State Chief Medical Examiner, who must be a physician licensed in Montana and board-certified in forensic pathology.¹⁶ The state chief medical examiner hires and supervises deputy state medical examiners, who similarly must be physicians licensed in Montana and board-certified in forensic pathology.¹⁷

⁹ MONT. CODE ANN. §§ 7-4-2904 and 7-4-2905.

¹⁰ Montana Department of Justice, *Other Courses, Coroner Basic Course*, <https://dojmt.gov/mlea/other-courses/>.

¹¹ MONT. CODE ANN. § 7-4-2905.

¹² MONT. CODE ANN. § 7-4-2911.

¹³ MONT. CODE ANN. § 46-4-122.

¹⁴ MONT. CODE ANN. §§ 7-4-2911 and 46-4-122.

¹⁵ MONT. CODE ANN. § 46-4-103.

¹⁶ MONT. CODE ANN. § 44-3-201.

¹⁷ MONT. CODE ANN. §§ 44-3-203 and 44-3-205.

The state chief medical examiner and deputy medical examiners have the following statutory responsibilities:

- Assist associate medical examiners, coroners, and law enforcement officers;
- Provide court testimony when necessary;
- Encourage and direct research within the forensic pathology field;
- Maintain a training program for associate medical examiners, coroners, and law enforcement officers;
- Appoint associate medical examiners; and
- Perform autopsies as requested.¹⁸

The state chief medical examiner or deputy medical examiner must perform an autopsy when a death occurred while the decedent was incarcerated in a correctional facility owned or operated by the state, or while any law enforcement pursued, apprehended, or placed the decedent into custody.¹⁹

In 2021, the Office performed 836 postmortem examinations (Missoula 458, Billings 378).²⁰ The number of postmortem examinations represents the cases county coroners referred to the Office and does not comprise all deaths in the state. County coroners have the discretion to not submit selected suicides, overdoses, traffic fatalities, and natural deaths for autopsy.²¹

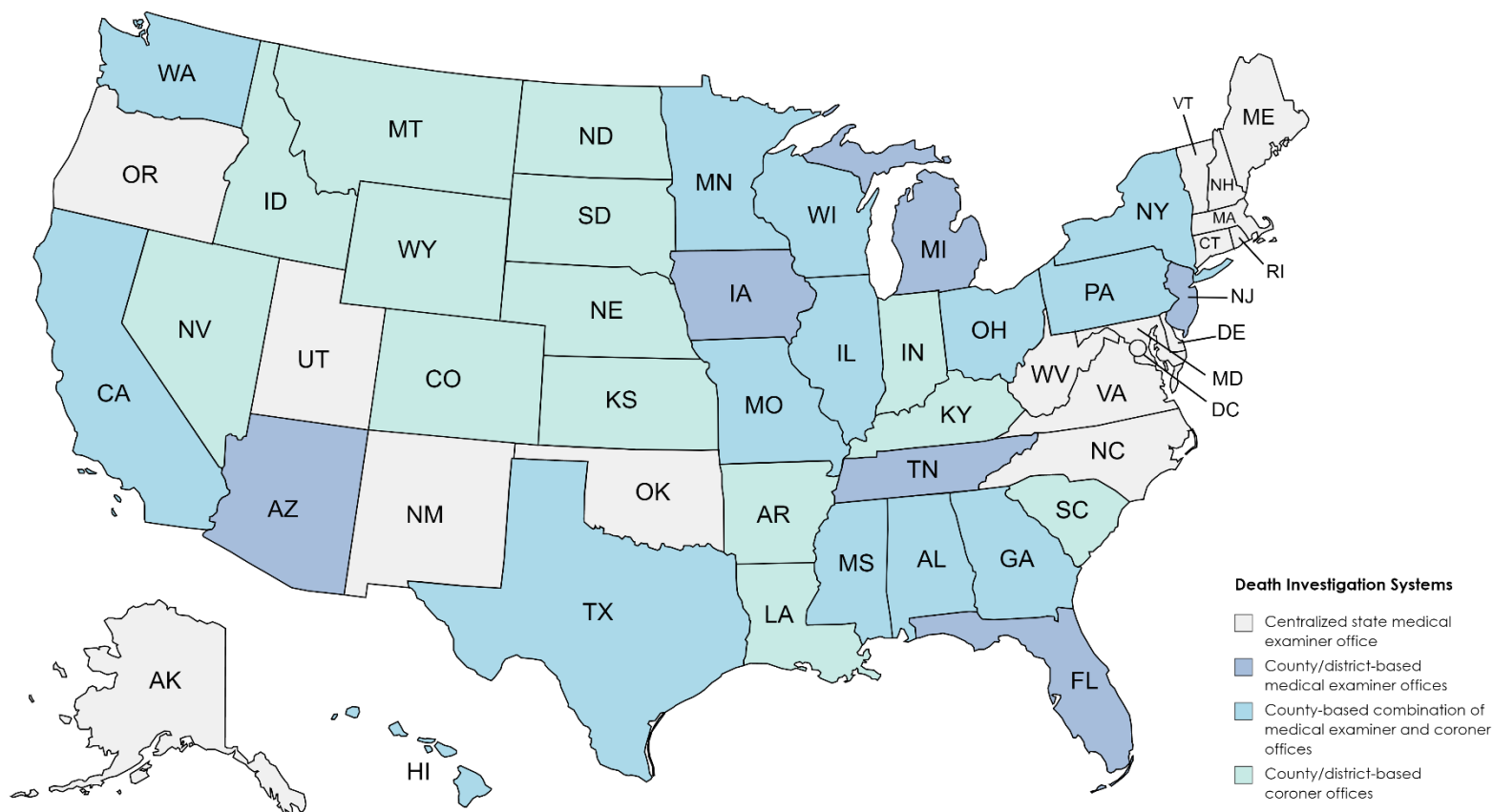
¹⁸ MONT. CODE ANN. § 44-3-211.

¹⁹ MONT. CODE ANN. § 46-4-103.

²⁰ Montana Medical Examiner's Office, *2021 Montana Medical Examiner's Report* (April 30, 2022), <https://dojmt.gov/wp-content/uploads/2021-ME-Annual-Report.pdf>.

²¹ *Id.*

Appendix A. State Death Investigation Systems.²²



Created with mapchart.net

²² Centers for Disease Control and Prevention, *Death Investigation Systems* (February 8, 2023), <https://www.cdc.gov/phlp/publications/coroner/death.html>.

Appendix B. 2021 Salary Information for the Montana Medical Examiner's Office.

Position	Base Hourly Rate*	Annual Salary
Chief Medical Examiner	\$117.25	\$243,880.00
Deputy Medical Examiner	\$103.01	\$214,260.80
Deputy Medical Examiner	\$103.01	\$214,260.80
Deputy Medical Examiner	\$103.01	\$214,260.80
Autopsy Assistant	\$23.45	\$48,776.00
Autopsy Assistant	\$23.45	\$48,776.00
Part-time Autopsy Assistant	\$27.01	\$28,090.40
Part-time Autopsy Assistant	\$27.01	\$28,090.40
Total salary expenses:		\$1,040,395.20

LSO compilation of information from the Montana Transparency in Government, State Employee Data website. Annual salary calculated using the following formula: base hourly rate x 40 hours per week (20 hours for part-time positions) x 52 weeks per year.

* The base hourly rate does not include additional pay received (i.e., longevity pay, situational pay, temporary pay, or supervisory pay). The Montana Legislature establishes state employee pay in statute through the General Appropriations Act for each biennium, See: https://leg.mt.gov/content/Publications/fiscal/leg_reference/HB2-Guide-2019.pdf.

WYOMING LEGISLATIVE SERVICE OFFICE
Memorandum